

Amended Complaint

M/D 1

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

2008 MAY 19 A 9:29

James Robert West, Jr.,
 Full name and prison name of Plaintiff(s)

MURRAY P. HACKETT, ESQ.
 U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA

v.

Bryan T. Harris, Co. I,
James DeLoach, Associate Counsel,
Glwendolyn C. Mosley,
Coordinator

CIVIL ACTION NO. 2007-CV-747-WKW
 (To be supplied by Clerk of U.S. District Court)

Name of person(s) who violated your constitutional rights. (List the names of all the persons.)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES No
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES NO
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A
N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county)

N/A

3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT Limestone Correctional Facility

28779 Nick Davis Road, Harvest, Alabama 35749-7009

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Draper & Easterling
Prisons

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

- | NAME | ADDRESS |
|---|---------|
| 1. <u>Bryan K. Davis, Easterling Prison, 200 Wallace Drive, Clax, Alabama 36017</u> | |
| 2. <u>James Deppak, 301 South Riley Street, Montgomery, Alabama 36130</u> | |
| 3. <u>Gwendolyn C. Mosley, 301 South Riley Street, Montgomery, Alabama 36130</u> | |
| 4. _____ | |
| 5. _____ | |
| 6. _____ | |

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED December 2006,

January 2007, July 2007

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Violation of First Amendment, U.S. Constitution
right to access to courts, and (2) retaliation for filing
Grievances/Complaints and for assisting others in filing grievances/
complaints.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

I was transferred from Duper Prison by James DeLoach, Warden, Duper Prison because I filed administrative complaints in 2000 employees assigned duty at Duper Prison and because I filed a complaint on prison conditions which violated federally protected rights under the 8th Amendment and assisted other (see attached pages)

GROUND TWO: _____

SUPPORTING FACTS: _____

GROUND THREE: _____

SUPPORTING FACTS: _____

(Cont'd p. 3)

Prisoners, upon request, in filing grievances/complaints.

Mr. DeLoach transferred me because I assisted another inmate, Victor Holmes, in filing a grievance/complaint regarding a physical assault on him by three (3) ADCC employees. I also typed statements for other inmates to sign who had personal knowledge of other incidents of excessive use of force by other ADCC employees.

Mosley punished me, or caused me to be punished, for filing a grievance/complaint addressed to her regarding denial of adequate medical treatment by medical staff employed by Prison Health Services (PHS).

I was punished in that I was issued a disciplinary which resulted in me being placed in disciplinary segregation where the punishment included loss of all privileges which included no communication with family and friends.

3(a)

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

*Declaratory relief wherein the court declares that the action
of Deborah and Mosley violates my federally protected rights
under the First Amendment in transferring me and for
issuing me disciplines for exercising my right to
petition the Courts for redress of grievances (see attached pages)*

James Robert West, Jr.
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2008
C (Date)

Signature of plaintiff(s)

(Cont'd p. 4)

and for assisting other inmates in filing grievances / complaints which included typing statements for other inmates who had personally observed other incidents of excessive use of force by ADOC employees.

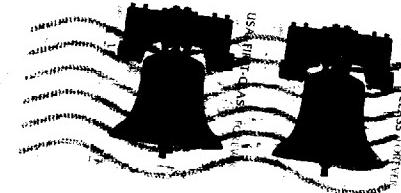
Injunctive relief to enjoin ADOC employees retaliating against me by transferring me from prison to prison and punishing me by issuing disciplinary board on false charges and placing me in disciplinary segregation.

Expunge disciplinary for violation of AR 403, Rule #69. And, any and all other relief the court may find appropriate.

4(b)

James T. West, Jr. #10315
15-B-74
Ainsworth Prison
28779 Hick Davis Road
Florance, Alabama 35449-7009

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This correspondence is forwarded from
an Alabama State Prison. The contents
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Lebara T. Hackett
Clerk
U. S. District Court
P.O. Box 711
Montgomery, Alabama 36101-0711

36101-0711

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